

A bill supplementary and amendatory of an act to regulate Railroad Companies, approved February 7th, 1853 approved December 19th, 1857. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to validate certain surveys, and confirming certain patents in the Mississippi and Pacific Railroad Reserve. Read 1st and 2nd times and referred to the committee on Public Lands.

A bill to incorporate the Sabine and Neches River Insurance Company.

On motion of Mr. Pitts, the bill was laid on the table.

Mr. Stockdale offered the following resolution :

Resolved, That a select committee of five be appointed to consider the subject of providing the ways and means to pay and subsist the Rangers called into the service of the State for the protection of the frontier, and report the result of the deliberations to the Senate, which was adopted and Messrs. Stockdale, Grimes, Throckmorton, Herbert and Pitts were appointed the committee.

On motion of Mr. Sims, the Senate adjourned until to-morrow, 10 o'clock A. M.

THURSDAY, December 29th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Duggan presented the petition of Elijah V. Dale. Referred to the committee on Private Land Claims.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to authorize the county court of Collin county to levy a special tax for the erection of a court house therein, reported the same back to the Senate and recommend the passage of the bill.

Mr. Duggan from the committee on the Judiciary, to whom was referred the memorial of the county court of Comal county, reported the accompanying bill, and recommend its passage.

A bill to authorize the county court of Comal county to levy a special tax to liquidate the indebtedness of said county, contracted in erecting the court house of said county. Read 1st time.

Mr. Potter, chairman of the committee on the Judiciary made the following reports.

The Judiciary committee have considered a House bill making

an appropriation to pay the Attorney General &c., and direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered the following House bills :

An act to fix the time for holding the District Courts of the seventh Judicial District.

A bill to release N. E. Benham from the disabilities of minority, and recommend their passage.

The Judiciary committee have considered a Joint Resolution proposing to amend Sec. 2nd of Art. 4 of the Constitution of the State, so as to make the Supreme Court consist of five Judges, and also to authorize the Governor to make temporary appointment to fill vacancies that may occur on the Supreme or District Court benches, and direct me to return the same to the Senate and recommend its passage.

It is well known that the Supreme Court as now constituted, is not, and will not be able to transact the business that must necessarily be brought before it. It is not in the power of any three Judges to keep up with the business of the court, and at the present term there will be more causes left undetermined on the dockets of the court at Austin and Galveston than will be determined during the term, and more than could be decided by three Judges in a year from this time, were they to devote their entire time and attention to these dockets. In addition to this the business of the court is rapidly increasing, and must continue to do so for many years to come, the committee can see no remedy for this but to increase the number of the Judges of the court as proposed by the Joint Resolution, the propriety of the other clause of the resolution must be apparent to all without comment from the committee.

The Judiciary committee have considered a bill to amend Article 411 of Oldham & White's Digest regulating proceedings in the district court, and direct me to return the same to the Senate and recommend its rejection. The object of the bill is to so change the law regulating service of process in civil causes, as to provide that service may be made by leaving a copy of the citation, &c., at the residence or usual place of abode of the party to be served. The committee think the laws now in force on the subject are wise and salutary, and that further legislation thereon is unnecessary. The plan proposed by the bill was given a fair trial under the Republic and being found to work badly, was repealed and the committee see no good reason for returning to it now.

Mr. Hart, from the committee on the Judiciary, made the following report :

The committee on the Judiciary to whom was referred the petition of A. Baccus Bacon, have had the same under consideration, and find the following facts, as stated in his petition :— That he has lately been elected to the high and honorable office of District Attorney of the twelfth Judicial District. That since his election there has been an insurrection in his part of the State, and that in all probability not less than five hundred persons have committed felonies, from larceny up to murder, and that said five hundred persons who in the ordinary course of legal justice ought to be tried and convicted in our courts, but that it is probable they will be killed by our arms or fly to Mexico or some other hiding place, or in case of their arrest they should claim a change of venue. So that whether they be summarily punished or driven into exile or be indicted and held to trial, he would be deprived of the ten thousand dollars, which he would be entitled to for said five hundred convictions, if they could be had. He therefore alleges that the five hundred dollars allowed him by the State, would only pay him fifty cents for each mile of the thousand he would be compelled by law to travel, not leaving him anything wherewith to pay his expenses or for the support of his family. He therefore prays that his salary be at least trebled, so that he may be the better able to support his family and relieve the distresses of those who may happen to travel into that fortune forsaken region of the country. If he has been elected to the office he claims to hold, we are of the opinion that he ought to understand the constitution and laws of the State, more particularly as he has five hundred criminals in his district, that ought to be convicted. We therefore recommend for his consideration and study as a very important part of our constitution and one which should be well understood by all of our officers, the following paragraph of the 7th Section of the 7th Article of the general provisions of the State Constitution: The Legislature shall not *grant extra* compensation to any officer, agent, servant or public contractor after such public service shall have been performed, *contract entered into* for the performance of the same, nor grant by appropriation or otherwise any amount of money out of the Treasury of the State to any *individual* on a *claim* real or *pretended* when the same shall not have been provided for by pre-existing law. He will discover that the Legislature is very wisely prohibited from granting *extra compensation* or from paying claims *real* or *pretended* during the term of his office, to which he was elected.—

And as to a donation to support his family, and to relieve the distresses of those who may happen to travel into that fortune forsaken region of country, we very much doubt its propriety, and are of the opinion that it would be unwise and inexpedient, the opinion of A. Baccus Brown to *the contrary notwithstanding*. But, as the committee are of the opinion that the present salary is entirely too small to justify any *constitutional lawyer* which we are satisfied the *memorialist soon will be*, and more particularly as he has five hundred culprits in his District who ought to be convicted, we therefore recommend him to resign his office and return to "sublimar themes of sweet repose" and that the relief be not granted.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred the petition of L. M. Hitchcock have duly considered it and find the proof satisfactory, and further find this claim has passed the Senate two or three times at previous sessions, and they find from the proof that the amount proven is \$1,836 68, and that previous committees who have acted upon this claim, have cut it in two from the fact, they supposed it was to be paid in exchequer money which was worth fifty cents on the dollar in March 1842, when this debt was contracted, and the service rendered and supplies furnished by Mr. Hitchcock to the men on the Vessel mentioned in the vouchers filed with the committee. The committee think that the former action of committees on this claim was just and right, and the present committee have instructed me to report the bill to the Senate that passed at its last session, and recommend its passage. Read 1st time.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to whom was referred the House bill for the relief of J. C. P. Kennymore, have examined the same with the proof accompanying, and find that the party is entitled to the relief sought. They therefore authorize me to report the bill back to the Senate, and recommend its passage.

The committee on Private Land Claims to whom was referred the memorial of John A. Mencrof, have considered the same and find that the laws now existing, are amply sufficient to relieve all just claims of the kind-sought, and that no further Legislation is necessary, they therefore instruct me to report the same back, and recommend its rejection.

The committee on Private Land Claims to whom was referred

a bill for the relief of the heirs of Charles Inloes, have considered the same, and find that Charles Inloes emigrated to Texas with his family in 1838, and was entitled to 640 acres of land under the laws existing at the time, and they therefore authorize me to return the bill and recommend its passage with the following amendment to be added to the first section : provided the said Charles Inloes, or his heirs have never received any land as emigrants.

Mr. Potter, chairman of the committee on the Judiciary, reported a bill amendatory of an act entitled an act to regulate proceedings in cases of forcible entry and detainer, approved 15 March, 1848, and recommended its passage.

Mr. Lott introduced the following bills, which were severally read 1st and 2nd times, and referred to the committee on Private Land Claims :

A bill for the relief of William Price.

A bill for the relief of Alexander Wheeler.

Mr. Throckmorton introduced a bill supplementary to an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10, 1858. Read 1st and 2nd times, and referred to the committee on Public Lands.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill to incorporate the Firemen's Relief Fund Association.

A bill for the relief of the heirs of William Hertz.

A bill to restore lands sold for taxes and purchased by the State to former owners on certain conditions.

A bill to prevent the sale of vinous, spirituous and other intoxicating liquors within one mile of the town of Starrville in Smith county.

A bill for the relief of Benjamin Baccus.

Mr. Fall introduced a bill to amend the laws providing for the registry of deeds and other instruments of writing. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Duggan introduced the following resolution :

Resolved, That the committee on the Judiciary be requested to report a bill authorizing the Post Masters of this State to burn all abolition or incendiary documents received at their offices. Adopted.

Mr. Guinn offered the following resolution :

Resolved, That the Judiciary committee be requested to report a bill to prevent the manumission of slaves by will or otherwise. Adopted.

ORDERS OF THE DAY.

A bill for the relief of Mary Elam. Read 3rd time and passed.

On motion of Mr. Guinn, the report of the Judiciary committee on a bill to incorporate the Sabine and Neches river Insurance Company was taken from the table; the amendments of the committee were adopted.

Mr. Pitts offered the following amendment:

Sec. 3 after the name M. J. Phillips, insert H. W. Benley. Adopted, and bill ordered to be engrossed.

On motion of Mr. Pitts, the rule was suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Lott, Martin, Parsons, Pitts, Potter, Rains, Scarborough, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—22.

NAYS—none.

On motion of Mr. Potter, the report of the Judiciary committee on the memorial of the county court of Comal county, presenting a bill to authorize the county court of Comal county, to levy a special tax to liquidate the indebtedness of said county, contracted in erecting the court house of said county, and recommending its passage was taken up. Rule suspended bill read 2nd time, and ordered to be engrossed. Rule further suspended bill read 3rd time and passed.

On motion of Mr. Potter, the report of the Judiciary committee on a House bill making an appropriation to pay the Attorney General and District Attorneys the costs due them under article 952d of the Code of Criminal Procedure recommending its passage, was taken up and bill passed to a 3rd reading. Rule suspended bill read 3rd time and passed.

On motion of Mr. Grimes, the report of the Judiciary committee on a bill to fix the times of holding the district courts in the seventh judicial district, recommending its passage, was taken up, and bill passed to a 3rd reading. Rule suspended, bill read 3rd time and passed.

On motion of Mr. Stockdale, the report of the Judiciary committee on a bill to relieve A. E. Benham, from the disabilities of minority, recommending its passage, was taken up, and passed to a 3rd reading. Rule suspended bill read 3rd time and passed by the following vote:

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Guinn, Harman, Herbert, Lott, Martin, Parsons, Pitts, Potter, Rains, Scarborough, Stockdale, Throckmorton and Whaley—17.

NAYS—Messrs. Grimes, Hart, Sims, Walker and Wallace—5.

On motion of Mr. Potter, the report of the Judiciary committee on a Joint Resolution proposing an amendment to the constitution, for the purpose of increasing the number of judges of the supreme court, recommending its passage, was taken up, and bill ordered to be engrossed.

On motion of Mr. Guinn, the report of the committee on Claims and Accounts on the petition of L. M. Hitchcock presenting a bill for his relief, was taken up. Bill read 2nd time and ordered to be engrossed.

On motion of Mr. Guinn the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Throckmorton the report of the committee on Finance, on a bill to authorize the county court of Collin county, to levy a special tax for the erection of a court house therein, recommending its passage was taken up, and bill passed to a 3rd reading. Rule suspended bill read 3rd time and passed.

A bill for the relief of the heirs of William Hertz. Read 3rd time and passed.

A bill to incorporate the Firemen's Relief Fund Association. Read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Rains, Scarborough, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—23.

NAYS—none.

Mr. Stockdale, one of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to which was referred the bill to be entitled an act to amend an act to incorporate the Indianola Railroad Company, approved 21 January, 1858, beg leave to report : That they have considered said bill, and find that the relief granted is necessary and just, when the legislation with reference to the San Antonio and Mexican Gulf Railroad Company is considered, because the operations of the Indianola Railroad Company must depend upon those of the San Antonio and Mexican Gulf Railroad Company. They therefore recommend the passage of the bill.

On motion of Mr. Throckmorton, the report was taken up, and the bill ordered to be engrossed.

On motion of Mr. Stockdale the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons,

Pitts, Potter, Raines, Searborough, Sims, Throckmorton, Walker, Wallace and Whaley—22.

NAYS—none.

On motion of Mr. Sims, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, December 30th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Whaley presented the petition of sundry citizens of Robertson county, relative to the time of holding the District courts of said county. Referred to the committee on the Judiciary.

Mr. Erath presented the petition of sundry citizens of Lampasas county, relative to spoliation by Indians. Referred to the committee on Indian Affairs.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill, supplementary to an act entitled an act to ascertain what land certificates have been illegally issued by the county court of counties in Peter's colony &c., and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a bill, to validate the acknowledgment and registration of deeds, and other instruments of writing heretofore recorded, and direct me to return the same to the Senate with an amendment, and recommend the adoption of the amendment and the passage of the bill.

Amendment to come in the end of the last section :

This act shall not be so construed as to effect or bind in any manner any person or party with constructive notice of the existence of any deed or other instrument of writing, as a recorded deed or instrument, except in the future and after the taking effect of this act, unless such person or party would have been so effected or bound with such notice, had this act never been passed.

The committee on the Judiciary have considered a House bill, amenatory of and supplementary to an act to incorporate the city of New Braunfels, passed May 11th, 1846, and direct me to return the same to the Senate, and recommend its passage.

The Judiciary committee have considered a House bill, to re-